

Equal Opportunity Program



Fort Leonard Wood, MO

Working together to achieve more

Volume 2-07

EO HOTLINE 596-0601/EEO HOTLINE 596-0602

1 Feb 2007



Dear Miss Millie,

A month or so ago, I filed an EEO complaint which was resolved to my satisfaction. However, lately I have been harassed by management for any and every little thing I do. It's becoming increasingly harder for me to perform my duties because of the harassment. Are there any rules in place that say I shouldn't be singled out or subjected to undue harassment for having filed an EEO complaint?

Dear Picked On,

Picked On

What you're alluding to is called "retaliation." An employer may not fire, demote, harass or otherwise "retaliate" against an individual for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination. The same laws that prohibit discrimination based on race, color, sex, religion, national origin, age, and disability, as well as wage differences between men and women performing substantially equal work, also prohibit retaliation against individuals who oppose unlawful discrimination or participate in an employment discrimination proceeding.

In addition to the protections against retaliation that are included in all of the laws enforced by EEOC, the Americans with Disabilities Act (ADA) also protects individuals from coercion, intimidation, threat, harassment, or interference in their exercise of their own rights or their encouragement of someone else's exercise of rights granted by the ADA.

There are three main terms that are used to describe retaliation. Retaliation occurs when an employer, employment agency, or labor organization takes an **adverse action** against a **covered individual** because he or she engaged in a **protected activity**. These three terms are described below.

Adverse Action

An adverse action is an action taken to try to keep someone from opposing a discriminatory practice, or from participating in an employment discrimination proceeding. Examples of adverse actions include:

employment actions such as termination, refusal to hire, and denial of promotion,

other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance, and

any other action such as an assault or unfounded civil or criminal charges that are likely to deter reasonable people from exercising their rights.

CO2 Word of the month

Here is the CO2 word of the month for February:

INTEGRITY

1. Possession of firm principles. The quality of possessing and steadfastly adhering to high moral principles or professional standards.
2. Completeness. The state of being complete or undivided. (formal) the territorial integrity of a nation.
3. Wholeness. The state of being sound or undamaged. (formal) Their refusal to participate in the experiment will undermine its integrity.

HONESTY, TRUTH, TRUTHFULNESS, HONOR,

Near term Observance information 2007

28/29 Feb. Committee meetings began on the 15th August, meetings are held at Building 315, RM 227. Contact 3rd Chem Bde EOA SFC Custard for dates and times @ 6-3083

Women's History Month 1-31 March. Committee meetings began on the 26th Jan. Meetings are held in Building 315, Room 227. Contact the 14th MP Brigade EOA SFC McIntosh for specific information. @ 6-0359

Days of Remembrance (Victims of the Holocaust) 15-22 Apr. Committee meetings will begin on the 4th of January at 1300hrs. Meetings will be conducted in Bldg 315, Room 227. Details for future meetings are on the FLW EO Website. Contact

Garrison EOA MSG Thompson for details @ 6-1013
Training and Education

POSH All training will be held each Wednesday PVT-SSG 0900-1000, SFC & Above 1000-1100hrs. **Located in Bldg 315, Room 227.**

Equal Opportunity Representative Course Training for the **2nd quarter, FY 07** will be held **5th thru 23rd March 2007**. Contact your Brigade S3 schools or your branch specific EO representative for more information.

Consideration of Others (CO2) training for the **3rd quarter, FY 07** will be held **17-19 April 2007**. Contact your Brigade S3 schools or your branch specific detachment EO representative for more information.

Questions or recommendations regarding the EO portion of this newsletter can be directed to:
MSG Kibler 6-2610 or MSG Thompson 6-1013



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Miss Millie Cont:

negative comments that are justified by an employee's poor work performance or history.

Even if the prior protected activity alleged wrongdoing by a different employer, retaliatory adverse actions are unlawful. For example, it is unlawful for a worker's current employer to retaliate against him for pursuing an EEO charge against a former employer.

Of course, employees are not excused from continuing to perform their jobs or follow their company's legitimate workplace rules just because they have filed a complaint with the EEOC or opposed discrimination.

For more information about adverse actions, see EEOC's Compliance Manual Section 8, Chapter II, Part D.

Covered Individuals

Covered individuals are people who have opposed unlawful practices, participated in proceedings, or requested accommodations related to employment discrimination based on race, color, sex, religion, national origin, age, or disability. Individuals who have a close association with someone who has engaged in such protected activity also are covered individuals. For example, it is illegal to terminate an employee because his spouse participated in employment discrimination litigation.

Individuals who have brought attention to violations of law other than employment discrimination are NOT covered individuals for purposes of anti-discrimination retaliation laws. For example, "whistleblowers" who raise ethical, financial, or other concerns unrelated to employment discrimination are not protected by the EEOC enforced laws.

Protected activity includes:

Opposition to a practice believed to be unlawful discrimination

Opposition is informing an employer that you believe that he/she is engaging in prohibited discrimination. Opposition is protected from retaliation as long as it is based on a reasonable, good-faith belief that the complained of practice violates anti-discrimination law; and the manner of the opposition is reasonable.

Examples of protected opposition include:

Complaining to anyone about alleged discrimination against oneself or others;

Threatening to file a charge of discrimination;

Picketing in opposition to discrimination; or

Refusing to obey an order reasonably believed to be discriminatory.

Examples of activities that are NOT protected opposition include:

Actions that interfere with job performance so as to render the employee ineffective; or

EO Food for thought

The MANSCEN Equal Opportunity office would like to take a few moments to briefly outline the purpose of Command Climate Assessments. Does your unit have some of the below mentioned indicators?

Purpose: The purpose is to provide the leadership a **snapshot** picture of a unit as it is perceived by members of the organization as it relates to **Race, Gender, Color, National Origin and Sexual Harassment**. In short it helps define whether the unit has a healthy and positive climate.

The climate of a particular unit can quickly develop into inter group tension. The Department of the Army has identified certain common traits of a unit which are indicators of a unhealthy command climate.

1. Perceptions that complaint process is not working or supported by Chain of Command.
2. Sexual or racial jokes are prevalent
3. Polarization of groups
4. Use of Offensive words/ or display of offensive symbols
5. Low morale
6. Discriminatory practices in surrounding community
7. Poor personal appearance by soldiers
8. Poor military courtesy by soldiers
9. Increased AWOLs
10. Claims of unfairness with regards to promotions/awards
11. Increase in theft, robberies, and assaults
12. Frequent fights
13. Un-willingness to communicate between superiors and subordinates

Regulatory Requirement: 90 days after assuming command and annually thereafter.

Timelines of assessment: Commanders should schedule Command climate assessments/CCS as an integral part of the EO program identified on the annual training calendar. Commanders are highly encouraged to **take ownership**.

Commanders will get more useful results if they personally introduce the Command Climate Survey or other climate assessment tool, and process to the unit. Commanders are encouraged to use their EOA and EOR assets.

For more detailed information you should contact your Equal Opportunity Advisor. **EO Equals Readiness**

A protected activity can also include requesting a reasonable accommodation based on religion or disability.